



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.4310 of 2021

SAKTHIVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT
CRIME NO.78 OF 2021

[RESPONDENT]

For Petitioner : M/S.A.M.RAHAMATH ALI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 20 (b) (ii) (A) of the NDPS Act and 4(1) (a) and 4(1-A) of 328 of I.P.C in Crime No.78 of 2021, seek anticipatory bail.

2. Totally there are two accused in this case and the petitioner herein is A2. The allegation is that the petitioner/A2 is the husband of A1 and were found in possession of 30 grams of cannabis and 5 liters of I.D arrack and on seeing the police they ran away from the scene of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the ganja was seized from A1 and so far as this petitioner is concerned he is in possession of 5 liters of I.D arrack. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the ganja was seized from A1 and the petitioner was in possession of 5 liters of I.D arrack. He would further submit that A1 was arrested and released on bail. However, he opposed for grant of anticipatory bail to the petitioners.



5. Consideration of the facts and circumstances of the case and also the fact that A1 was in possession of 5 liters of I.D arrack and the fact that co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready before **the Judicial Magistrate - I, Panruti** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10:30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-
15/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT

+1CC to M/S.A.M.RAHAMATH ALI Advocate on payment of
necessary charges SR NO.3406

CRL OP.4310/2021

Date :15/03/2021

MK:22/03/2021